

sanitary condition and will eliminate infection, disease, germs, and fungus that typically spread as a result of multiple use by multiple users of a foot bath or bowl.

The Examiner objected to the drawings. However, since the claims directed to the scented herbal products, salts, and oils have been canceled, no drawings showing those features are necessary. Accordingly, the objection is now moot.

In item 6, page 3 of the Office Action, the Office rejected the claims under 102b based on:

1. Evans (Des. 258,696 or
2. Sudduth (Des. 328,160).

Applicants respectfully disagree. None of these references teach a liner for a footbath as claimed.

In item 7, page 4 of the Office Action, the Office rejected the claims under 102b based on Guiste (US Patent No. 6,085,367). In item 8, page 4 of the Office Action, the Office rejected the claims under 102b based on Bleicher (US Patent No. 5,465,436).

Applicants respectfully disagree.

The Federal Circuit has held that an invention is anticipated only if all elements of the claimed invention are present in a product or process disclosed, expressly or inherently, in a single prior art reference (RCA Corp. v. Applied Digital Data Sys., Inc., 730 F.2d 1440, 221 USPQ 385, 388 (Fed. Cir. 1984), *cert. dismissed sub nom.* Hazeltine Corp. v. RCA Corp., 468 U.S. 1228).

None of these references teach a liner for a footbath as claimed. Accordingly, the rejection is improper and applicants request withdrawal of the rejection.

The Examiner rejected claims 3-4 and 6 under 103a.

Applicants respectfully disagree. However, in order to further prosecution of the subject application, claims 3-6 have been canceled. Accordingly, the rejection is moot.

CONCLUSION

If a telephone interview would be of assistance in advancing prosecution of the subject application, Applicants' undersigned attorney invites the Examiner to telephone her at the number provided below.

No fee, other than the fee for a three-month extension of time, is deemed necessary in connection with the filing of this Communication.

Respectfully submitted,



Bonnie Spence
323 San Vicente Blvd. Unit 7
Santa Monica CA 90402

Karin Maihart
11931 Montana Ave.
Los Angeles CA 90049

Certificate under 37 C.F.R. §1.8: I hereby certify that this paper and the attachments herewith are being deposited by facsimile with the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on March 12, 2004.

